

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	MB Docket No. 14-82
)	
PATRICK SULLIVAN)	FRN 0003749041, 0006119796,
(Assignor))	0006149843, 0017196064
)	
and)	Facility ID No. 146162
)	
LAKE BROADCASTING, INC.)	File No. BALFT-20120523ABY
(Assignee))	
)	
Application for Consent to Assignment of)	
License of FM Translator Station W238CE,)	
Montgomery, Alabama)	
)	
To: Richard L. Sippel		
Chief Administrative Law Judge		

ENFORCEMENT BUREAU'S MOTION TO STRIKE

1. On August 19, 2015, Lake Broadcasting Inc. (Lake) filed a Motion For Protective Order concerning the Rice interview that the Presiding Judge had allowed in *Order*, FCC 15M-26.¹ This pleading, while styled as a motion for a protective order, was itself an unauthorized appeal/petition for reconsideration of the Presiding Judge's decision in *Order*, FCC 15M-26. On August 24, 2015, the Enforcement Bureau (Bureau) filed an Opposition challenging Lake's Motion, in part, as unauthorized and untimely.²

¹ See Lake's Motion For Protective Order Pursuant to Section 1.313 of the Commission's Rules, filed August 19, 2015 (Motion). See *Order*, FCC 15M-26 (ALJ, rel. Aug. 4, 2015), which denied the identical relief sought in Lake's Motion for Protective Order.

² See Enforcement Bureau's Opposition To Lake Broadcasting Inc.'s Motion For A Protective Order, filed August 24, 2015 (Opposition). Lake failed to timely request permission to file this pleading as required under the Rules. See *id.*

2. Lake has now filed a pleading, which it has entitled “Comments,”³ but which is nothing more than a thinly-disguised reply to the Bureau’s Opposition. This pleading, like Lake’s original Motion, is both unauthorized and improper under the Rules. Pursuant to Section 1.294(b) of the Commission’s rules, except in situations which are inapplicable here, “replies to oppositions will not be entertained.”⁴ For this reason alone, the Chief, Enforcement Bureau, by his attorneys, respectfully requests that the Presiding Judge strike Lake’s most recent pleading in its entirety.⁵

3. Moreover, this is the third reply pleading that Lake has filed in contravention of Section 1.294(b) and, in addition to its unauthorized appeal/petition for reconsideration, represents Lake’s fourth unauthorized pleading.⁶ Given these repeated transgressions, the Bureau respectfully requests that the Presiding Judge remind Lake that its compliance with the Commission’s procedural rules is expected and that its continued failure to do so may result in adverse consequences.

4. For the reasons stated above, the Bureau hereby requests the Presiding Judge issue an order striking Lake’s Comments as unauthorized and improper.

³ See Lake Broadcasting Inc.’s Comments on Enforcement Bureau’s Opposition to Lake’s Motion for Protective Order, filed August 28, 2015.

⁴ See 47 C.F.R. §§ 1.294(b) (“replies to oppositions will not be entertained”).

⁵ Lake’s instant pleading is based on the same mischaracterization of the Commission’s rules as it made in the prior Motion, *i.e.* that Lake’s own failure to timely conduct legal research to find readily discoverable legal precedent constitutes “newly discovered evidence.” See Comments at 2. Lake’s dilatory legal research cannot be characterized as “new found evidence” that could warrant one, let alone, a second unauthorized pleading.

⁶ See Reply to Opposition to Lake Broadcasting’s Request for Interlocutory Ruling filed, February 12, 2015; Lake Broadcasting’s Reply to Enforcement Bureau’s Opposition to Request for Protective Order and Hearing Schedule, filed April 8, 2015; Lake Broadcasting Inc.’s Motion for Protective Order, filed August 19, 2015; and Lake Broadcasting Inc.’s Comments on Enforcement Bureau’s Opposition to Lake’s Motion for Protective Order, filed August 28, 2015.

Respectfully submitted,

Travis LeBlanc
Acting Chief, Enforcement Bureau

A handwritten signature in blue ink, appearing to read "G. Oshinsky".

Gary Oshinsky
Attorney, Investigations & Hearings Division

A handwritten signature in blue ink, appearing to read "W. Knowles-Kellett".

William Knowles-Kellett
Attorney, Investigations & Hearings Division

Federal Communications Commission
Enforcement Bureau
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September 2, 2015

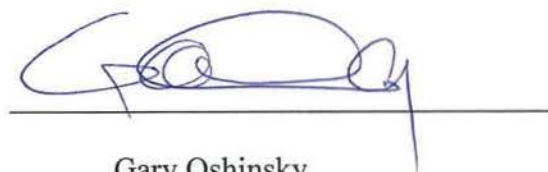
CERTIFICATE OF SERVICE

I, Gary Oshinsky, an attorney in the Enforcement Bureau's Investigations & Hearings Division, certify that on this 2nd day of September 2015, I sent via First Class United States Mail and via email copies of the foregoing ENFORCEMENT BUREAU'S MOTION TO STRIKE to:

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Counsel for Patrick Sullivan and Lake Broadcasting, Inc.

A copy of the foregoing also was served via hand-delivery to:

The Honorable Richard L. Sippel
Chief Administrative Law Judge
Federal Communications Commission
445 12th Street, S.W., Room 1-C861
Washington, DC 20554



Gary Oshinsky